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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,069	10/15/2003	Igor Y. Botvinnik	112440-371	8926
29190	7590	11/29/2005	EXAMINER	
BELL, BOYD & LLOYD LLC			MAYEKAR, KISHOR	
P.O. BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			1753	
DATE MAILED: 11/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,069

Applicant(s)

BOTVINNIK, IGOR Y.

Examiner

Kishor Mayekar

Art Unit

1753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on April 7, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102 and § 103*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 8-14, 18-28, 32 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Torok et al. (US 5,024,685), a reference cited by Applicant. Torok's invention is directed to an electrostatic air treatment system and a

method for providing the system thereof. Torok discloses that the system and the method comprise all the structures and steps as claimed (see abstract; Figs. 1-3 and 9; col. 2, line 59 through col. 3, line 22; col. 5, lines 51-58; and paragraph crossing cols. 8 and 9).

As to the subject matter of claims 2, 13, 25, Torok contemplates it in col. 5, lines 51-58).

As to the subject matter of claims 4, 11 and 12, Torok contemplates in Fig. 9 and paragraph crossing cols. 8 and 9.

4. Claims 5-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torok '685. The differences between Torok and the instant claims are each of the limitations recited in the instant claims. Torok as applied above further discloses the provision of protective grids to the emitter electrode and the inner collector electrode for protecting direct personal contact with the electrodes (col. 4, lines 20-56) and the provision of a chemically active substance capable of absorbing or catalytically decomposing ozone surrounded the emitter electrode or the system (col. 7, line 42 through col. 8, line 27 and col. 9, lines 50-65).

To the subject matter of claims 5 and 15, although Torok is silent to the provision of protective grids to the grounded outer electrode, however since the grounded outer electrode is an electrode and a part of the system's electrodes, the provision of such a limitation would have been within the level of ordinary skill in the art to further protect direct personal contact with the grounded outer electrode in addition to the protection of direct personal contact with the other emitter and inner electrodes.

To the subject matter of claims 6, 7, 16 and 17, although Torok is silent to the provision of ozone reducing catalyst to the outer electrode, Torok suggests in col. 8, lines 19-27 that other structures containing the chemically active substance can be arranged around the emitter electrode, as such the provision of the chemically active substance on the outer electrode would have been within the level of ordinary skill in the art. Further, it has been held that the motivation to make a specific structure is always related to the properties or uses one skilled in the art would expect the structure to have, *In re Newell* 13 USPQ 2d 1248, *Fromson v. Advance Offset Plate* 225 USPQ 26; *In re Gyurik* 201 USPQ 552.

3. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

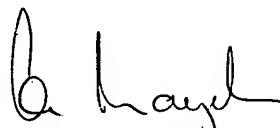
Torok '685 in view of Taylor et al. (US 6,176,977 B1), another reference cited by Applicant. The differences between Torok as applied above and the instant are the provision of a top in the housing for the removing of the inner electrode and a handle attached to the inner electrode. Taylor shows the above limitations in an electrostatic air treatment system (Fig. 2B). As such, the provision of such limitations in Torok as shown by Taylor would result in easily handling and removing of the inner hollow electrode.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kishor Mayekar whose telephone number is (571) 272-1339. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kishor Mayekar', is positioned above the printed name.

Kishor Mayekar  
Primary Examiner  
Art Unit 1753